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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JOHN BROWN,

12 Plaintiff,

13 v.

14 TAKEUCHI MFG. CO. (U.S.), LTD., et
15 al.,

16 Defendants.
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No. 2:21-CV-0392-JAM-DMC

ORDER

18 Plaintiff, who is proceeding with retained counsel, brings this civil action.
19 Pending before the Court is Defendant Takeuchi Mfg. Co. (U.S.), Ltd.'s motion for terminating
20 sanctions. See ECF No. 85. The parties appeared before the undersigned via Zoom on April 19,
21 2023, at 10:00 a.m. for a hearing on Defendant's motion.

22 The current docket reflects that Plaintiff has not, to date, complied with the Court's
23 January 17, 2023, order granting Defendant's unopposed first motion to compel and directing
24 Plaintiff to serve responses to Defendant's requests for production of documents, set one, and
25 special interrogatories, set one, within 30 days. See ECF No. 81 (first order granting motion to
26 compel). On this record, the Court is inclined to recommend that Defendant's motion for
27 terminating sanctions be granted. The Court will, however, provide Plaintiff one final
28 opportunity to comply with the January 17, 2023, order and suspend issuance of findings and

1 recommendations for seven days from the date of the April 19, 2023, hearing.

2 If within this seven-day period, Plaintiff serves responses to the discovery outlined
3 above, without objection, and files a notice of compliance with the Court, the undersigned will
4 recommend Defendant's motion for terminating sanctions be denied. If, however, Plaintiff does
5 not serve responses and file a notice of compliance on or before April 26, 2023, the Court will
6 issue findings and recommendations that Defendant's motion for terminating sanctions be
7 granted. Upon failure to comply, the Court will also direct Plaintiff's counsel to show cause why
8 contempt sanctions should not be imposed.

9 This order does not alter the current due date of April 21, 2023, for Plaintiff to
10 serve supplemental initial disclosures pursuant to the Court's March 22, 2023, order granting
11 Defendant's unopposed second motion to compel. See ECF No. 84.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff shall serve responses to Defendant's requests for production of
14 documents, set one, and special interrogatories, set one, on or before April 26, 2023.
- 15 2. Plaintiff shall file a notice of compliance with the Court on or before April
16 26, 2023.
- 17 3. Within 10 days of the date of this order, Defendant's counsel shall file a
18 declaration as to reasonable expenses associated with its motion for terminating sanctions.
- 19 4. Plaintiff may file a response to defense counsel's declaration within 30
20 days of service thereof.

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22 Dated: April 20, 2023



23 DENNIS M. COTA
24 UNITED STATES MAGISTRATE JUDGE
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